

Michael Innes, Esq.
KELLEY DRYE & WARREN LLP
200 Kimball Drive
Parsippany, NJ 07054
Telephone: (973) 503-5900
Facsimile: (973) 503-5950
E-mail: MInnes@kelleydrye.com

*Attorneys for Defendant
Coolvision, Ltd.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WAG ACQUISITION, L.L.C.,

Plaintiff,

v.

SOBONITO INVESTMENTS, LTD.,
COOLVISION, LTD., I.M.L. SLU, and
DOES 1-20.

Defendants.

Civil Action No. 2:14-cv-01661-ES-
JAD

**DECLARATION OF NOAM FOGEL
IN SUPPORT OF COOLVISION,
LTD.’S MOTION TO DISMISS FOR
LACK OF PERSONAL
JURISDICTION**

Noam Fogel declares, pursuant to 28 U.S.C. § 1746, that:

1. I am the Chief Executive Officer (“CEO”) for Coolvision Ltd (“Coolvision”). My responsibilities include the maintenance, technical support and monitoring of the website located at www.imlive.com. I have approximately twenty (20) years of experience working as a Software developer, R&D manager, Chief Technology Officer and systems architect.

2. I submit this declaration in support of Defendant Coolvision's Motion to Dismiss for Lack of Personal Jurisdiction. I have reviewed Plaintiff's Complaint, First Amended Complaint, and Second Amended Complaint. I have personal knowledge of the matters set forth herein.

3. Defendant Coolvision is a corporation organized and existing under the laws of Israel with a principal place of business at 6 Ha-barzel St., Ramat Hachayal, Tel Aviv, Israel.

4. Coolvision does not sell or offer to sell any product or service in the State of New Jersey or in any state or territory of the United States.

5. Coolvision is not licensed to do business in New Jersey or in any state or territory of the United States.

6. Coolvision has no office, mailing address or telephone listing in New Jersey or in any state or territory of the United States.

7. Coolvision has no employees in New Jersey or in any state or territory of the United States.

8. Coolvision pays no taxes to the State of New Jersey or to any state or territory of the United States.

9. Coolvision possesses no bank accounts in New Jersey or in any state or territory of the United States.

10. Coolvision has no loans from or extended credit to any individual or entity in New Jersey or any state or territory of the United States.

11. Coolvision does not advertise or market to New Jersey customers or any customers in any state or territory of the United States.

12. Coolvision does not solicit customers in New Jersey or any state or territory of the United States.

13. Coolvision does not do business under the trade name ImLive, Pussycash, WebcamWiz or any other trade name. Coolvision operates only under its own name, Coolvision, Ltd.

14. Defendant Coolvision is not controlled or managed by Defendant I.M.L. SLU ("I.M.L."). Coolvision is a separate corporate entity operating with its own separate office, officers and employees. Coolvision has separate management, no common offices, no common officers and no common employees with I.M.L. I.M.L. is a separate entity that, to the best of my knowledge and belief, operates with its own separate office, officers and employees in a different country than Coolvision.

15. Defendant Coolvision is not controlled or managed by Defendant Sobonito Investments, Ltd. ("Sobonito"). Coolvision is a separate corporate entity operating with its own separate office, officers and employees. Coolvision has separate management, no common offices, no common officers and no common

employees with Sobonito. Sobonito is a separate entity that, to the best of my knowledge and belief, operates with its own separate office, officers and employees in a different country than Coolvision.

16. Coolvision has not used and does not use IML, IML Internet Marketing, Internet Marketing Ltd. or any other names to designate Coolvision's own business. In fact, Coolvision has no business units. Coolvision operates only under, and only uses, its own name, Coolvision, Ltd.

17. Coolvision has no ownership interest in the website www.imlive.com or any other website, domain name or subdomain name identified in the Second Amended Complaint. Rather, Coolvision performs technical administrative duties associated with maintaining the website www.imlive.com. Coolvision performs those duties from its headquarters in Tel Aviv, Israel.

18. Coolvision does not own any of the servers over which the website www.imlive.com operates. Nor does Coolvision own any of the servers over which any of the other websites, domain names or subdomains identified in the Second Amended Complaint operate.

19. Coolvision does not own any of the equipment that is used to run the website www.imlive.com. Nor does Coolvision own any of the equipment that is used to run any of the other websites, domain names or subdomains identified in the Second Amended Complaint.

20. Coolvision does not engage in any marketing or advertising for the website www.imlive.com in the United States or anywhere else in the world. Nor does Coolvision engage in any marketing or advertising for any of the other websites, domain names or subdomains identified in the Second Amended Complaint.

21. Coolvision does not offer or provide any affiliate program for the website www.imlive.com or any other website, domain name, subdomain name or entity.

22. Coolvision has not recruited or arranged for, and does not recruit or arrange for, individuals to perform in front of video cameras. Coolvision has not employed and does not employ any performers for the website www.imlive.com or any of the other websites, domain names or subdomains identified in the Second Amended Complaint.

23. Coolvision is not financially a side to any transactions that may occur over the website www.imlive.com or any of the other websites, domain names or subdomains identified in the Second Amended Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: September 21, 2014

Noam Fogel

A handwritten signature in black ink, appearing to read 'Noam Fogel', is written over a horizontal line.